7 S.B. CIVIL WRIT PETITION NO.7956/2007

Sukh Ram Bishnoi Vs. State of Raj. & Ors.

Date of Order :: 6th December 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Narpat Singh Rajpurohit for the petitioner

The petitioner working on the post of senior teacher having been transferred by the order dated 14.09.2007 (Annex.P/2) seeks to question the transfer order by way of this writ petition essentially on the grounds that he has only thirteen months of service left; and that his wife is unwell.

Learned counsel for the petitioner does not dispute the position that the order impugned could have been challenged by way of an appeal before the Rajasthan Civil Services Appellate Tribunal but submits that the petitioner has not filed any such appeal for the reason that according to the information available, at present the Bench hearing such matters is not constituted and, therefore, such appeal would not be considered by the Tribunal.

The submissions so made on behalf of the petitioner for not taking resort to the alternative remedy of appeal do not conspire confidence particularly for the reason that the petitioner has not shown that he had filed the appeal and made a request to the Tribunal to take up the same for consideration and that the Tribunal had not taken up his

appeal for consideration despite request. For the petitioner having not even filed any appeal before the Tribunal, the submissions as made by the petitioner on assumptions that the appeal would not be considered by the Tribunal cannot be accepted.

For availability of alternative remedies with the petitioner, this Court is not inclined to entertain the matter in the extraordinary writ jurisdiction.

Exercise of writ jurisdiction in this matter is refused; and the writ petition is rejected.

(DINESH MAHESHWARI), J.

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